IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

TROY MICHAEL SMITH,)	
Plaintiff,)	
v.)	CV 114-145
COLUMBIA COUNTY SHERIFF DEPT et al.,	, ,)	
Defendants.)	
	ORDER	

Plaintiff, a former inmate at Columbia County Detention Center in Augusta, Georgia, brought the above-captioned case pursuant to 42 U.S.C. § 1983. On September 25, 2014, the Columbia County Sheriff's Office filed a suggestion of death notifying the Court that Plaintiff had passed away on September 22, 2014. (Doc. no. 9.) Under Fed. R. Civ. P. 25(a), a suggestion of death must be filed on the docket and also served upon the party's successor or representative in accordance with Fed. R. Civ. P. 4. See McGuinnes v. Novartis Pharm. Corp., 289 F.R.D. 360, 362 (M.D. Fla. 2013). As such, the current suggestion of death on the record has not triggered the ninety day period for a motion of substitution under Fed. R. Civ. P. 25.

Accordingly, the Court **DIRECTS** the U.S. Marshal to use reasonable efforts to identify, locate, and serve Plaintiff's representative or successor with the complaint and the suggestion of

death. Plaintiff appears to have provided his pre-detention address in his complaint. (Doc. no. 1, p.

4.) The Marshal is **FURTHER DIRECTED** to notify the Court within **twenty-one days** of the date of this Order as to whether Plaintiff's successor or representative has been served with the appropriate documents.

SO ORDERED this 28th day of October, 2014, at Augusta, Georgia.

BRIAN K. EPPS

UNITED STATES MAGISTRATE JUDGE SOUTHERN DISTRICT OF GEORGIA

The representative or successor contemplated by Fed. R. Civ. P. 25(a) is usually the legal representative of Plaintiff's estate. See Knox v. United States, 2:12-CV-299-MEF, 2013 WL 2443839 (M.D. Ala. June 4, 2013). As Plaintiff appears to be a resident of Columbia County, such legal representative would have to be appointed by the Columbia County Probate Court. A recent obituary describing Plaintiff's surviving family indicates that his parents would be the most likely representative. Troy Michael Smith, Current Obituary, http://www.currentobituary.com/Memory.aspx?Memory_ObitdID=145830.